

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) over the Trentsch reference in view of the LaFleur reference.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicants filed a Request for Continuing Examination with a Simultaneous Amendment. In the Amendment applicants canceled claim 3 and amended claim 1, the broadest claim on file, so as to more clearly define the present invention and to distinguish it from the prior art.

It is respectfully submitted that the new features of the present invention which are now defined in claim 1 clearly and patentably distinguish the present invention from the prior art applied by the Examiner.

Before the analysis of the prior art, it is believed to be advisable to explain the new features of the present invention as defined in claim 1.

Claim 1, the broadest claim on file, defines a method for manufacturing a polyurethane elastic fiber, comprising the steps of:

mixing one component selected from the group consisting of polystyrene, poly (p-alkylstyrene), poly (p-arylstyrene), styrene-butadiene-styrene copolymer (SBS) styrene-butadiene block copolymer, and acrylonitrile-butadiene-styrene copolymer (ABS)

having a number average molecular weight of 50,000-500,000

with polyurethane having a number average molecular weight of 15,000-100,000 at a weight ratio ranging from 1:99 to 10:90, to prepare a polymer mixture; and

spinning the polymer mixture.

Turning now to the references and particular to the Trentsch reference, it can be seen that this reference does not disclose mixing a component selected from the group consisting polystyrene, poly (p-alkylstyrene), poly (p-arylstyrene), styrene-butadiene-styrene copolymer (SBS) styrene-butadiene block copolymer, and acrylonitrile-butadiene-styrene copolymer (ABS) having a number average molecular weight of 15,000-500,000 with polyurethane having a number average molecular weight of 15,000-100,000 at a weight ratio ranging from 1:99 to 10:90, to prepare a polymer mixture; and spinning the polymer mixture.

It is therefore believed that the patent to Trentsch taken singly does not teach the new features of the present invention as now defined in the amended claim 1.

The patent LaFleur discloses a polyurethane elastomer blends which however does not disclose mixing component selected from the group consisting of polystyrene, poly (p-alkylstyrene), poly (p-arylstyrene), styrene-butadiene-styrene copolymer (SBS) styrene-butadiene block copolymer, and acrylonitrile-butadiene-styrene copolymer (ABS), with corresponding additional features.

This reference therefore also does not teach any features of the present invention as now defined in the amended claim 1.

The Examiner rejected the claims over the combination of the references. Since none of the references teaches the new features of the present invention as now defined in claim 1, therefore any combination of the references would not lead to the applicant's invention as defined in claim 1. In order to arrive at the applicant's invention from the combination of the references, the references have to be fundamentally modified. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford 165 USPQ 586 that:

“Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest”.

In view of the above presented remarks, it is believed that claim 1 as amended should be considered as patentably distinguishing over the art and should be allowed together with claim 3.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

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